UNITED STATES PATENT AND TRADEMARK OFFICE

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10/080,671	02/25/2002	Charles Edward Anderson IV	1875.1990000	8173

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EXAMINER
PATEL, CHIRAG R

ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/080,671	ANDERSON, CHARLES EDWARD
	Examiner	Art Unit	
	Chirag R. Patel	2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _____ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 September 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-50* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-50* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some.* c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

Response to Arguments

Applicant's arguments with respect to claims 1-44 have been considered but are moot in view of the new ground(s) of rejection. A discussion of the amended claims is provided below and the body of the rejections.

Gerszberg discloses per Col 9 lines 40-47, "FIG. 5 illustrates the *location of a memory cache at the NSP 36 and the FMP 32*. The location of large caches of memory, sometimes referred to as cache farms 609, can reduce traffic on the network trunks or Internet backbone by providing frequently requested information at a point closer to the user. Usually, the location of memory caches of the FMP 32 is avoided due to space restrictions in the local office." Gerszgberg discloses per Col 5 lines 38-47, " The NSP 36 may provide a massive cache storage for various information that may be provided across the SONET net 42 to the FMP 32 and out to the ISD 22. The NSP 36 and the FMP 32 may collectively define an access network server complex 38. The NSP 36 may be interconnected with multiple FMPs 32. Furthermore, each FMP 32 may interconnect with one or more ISDs 22. The NSP 36 may be located anywhere but is preferably located in a point-of-presence (POP) facility. The NSP 36 may further act as a gateway to, for example, any number of additional services." These passages does not preclude the caches of memory being at the FPM 32 , which is reasonably interpreted as the CPE as discussed below.

Gerszberg discloses Col 4 line 66 – Col 5 line 23, "The FMP 32 may be configured to separate the plain old telephone service (POTS) from the remainder of the

data on the customer connection 30 using, for example, a tethered virtual radio channel

(TVRC) modem -- part of Customer service premises, at the separation point" as this

reads on the common definition of CPE per the remarks dated 09/19/2007 , "Customer

premises equipment ("CPE") devices, on which the "application data files" are located,

are by definition located within the control of a customer, as opposed to a service

provider. (see, e.g., Federal Standard 1037C, *Glossary of Telecommunications Terms,*

1996, web available at http://www.its.bldrdoc.gov/fs 1037/fs-1037c.htm ("Terminal and

associated equipment and inside wiring located at a subscriber's premises and

connected with a carrier's communication channel(s) at the demarcation point"))."

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4-5, 7-9, 22-25, 27-29, 39-40, 42-45, 48, and 50 are rejected under 35

U.S.C. 102(e) as being anticipated by Gerszberg et al. – hereinafter Gerszberg (US

6,385,693).

As per claims 1, 22 and 39, Gerszberg discloses a method for identifying

frequently accessed domain names in a customer premises equipment that includes a

memory and a communication interface, the frequently accessed domain names to be

provided to a network gateway for use in domain name system caching, comprising the

steps of:

(a) searching files in the memory to identify the frequently accessed domain

names; and (Col 11 lines 10-20)

(b) providing the frequently accessed domain names to the communication

interface for transmission to the network gateway over a communication path; (Col 4

line 66 – Col 5 line 23, Col 5 lines 38-47, Col 9 lines 40-47, Col 11 lines 10-20)

As per claim 4, Gerszberg discloses the method of claim 1, wherein steps steps

(a) and (b) occur in response to the execution of an application by a user of the

customer premises equipment. (Col 9 lines 48-60)

As per claims 5, 25, and 40, Gerszberg discloses the method of claim 1, wherein

step (a) comprises searching application data files associated with a Web browser

application. (Col 9 line 61 – Col 10 line 10)

As per claims 7, 27, and 42, Gerszberg discloses the method of claim 1, wherein

step (b) comprises packetizing the frequently accessed domain names and providing

the packetized information to the communication interface. (Col 4 line 66 – Col 5 line 23,

Col 5 lines 38-47, Col 9 lines 40-47, Col 11 lines 10-20)

As per claims 8, 28, and 43, Gerszberg discloses the method of claim 1, wherein

step (b) comprises storing the frequently accessed domain names in a management

information base and providing the management information base to the communication

interface. (Col 4 line 66 – Col 5 line 23, Col 5 lines 38-47, Col 9 lines 40-47, Col 11 lines

10-20)'

As per claims 9, 29, and 44, Gerszberg discloses the method of claim 1, wherein

step (b) comprises generating a domain name system query that includes the frequently

accessed domain name and providing the domain name system query to the

communication interface. (Col 4 line 66 – Col 5 line 23, Col 5 lines 38-47, Col 9 lines

40-47, Col 11 lines 10-20)

As per claim 23, Gerszberg disclose the customer premises

equipment of claim 22 wherein the memory comprises a hard disk drive. (Col 9 lines 19-

39)

As per claim 24, Gerszberg disclose the computer customer premises equipment

of claim 22 wherein the communication interface is a home phoneline network interface,

an Ethernet interface or a Universal Serial Bus interface. (Col 6 lines 28-55)

As per claims 45, 48, and 50, Gerszberg disclose the method of claim 1, wherein

the customer premises equipment comprises a personal computer. (Col 6 lines 28-55;

Col 9 lines 19-39; Figure 4B)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 10, 13-14, 16-25, 27-33, 35-38, 46-47, and 49 are rejected under 35

U.S.C. 103(a) as being unpatentable over Gerszberg (US 6,385,693) in view of Huitema

(US 6,016,512).

As per claims 10, 21, and 30, Gerszberg discloses a method for selectively

caching domain name system information on a network gateway that includes a cache,

wherein the network gateway is attached to a personal computer customer premises

equipment that includes a memory, comprising the steps of:

(a) searching files in the memory to identify a frequently accessed domain name;

(Col 11 lines 10-20)

(b) providing the frequently accessed domain name from the

customer premises equipment to the network gateway; (Col 4 line 66 – Col 5 line 23,

Col 5 lines 38-47, Col 9 lines 40-47, Col 11 lines 10-20)

(c) generating, in the gateway, a domain name system query that includes the

frequently accessed domain name; (Col 7 lines 21-33)

(d) transmitting the domain name system query from the network gateway to a

network for resolution; (Col 7 lines 21-33, Col 10 line 63 – Col 11 line 9)

wherein the files in the memory comprise application data files that hold

frequently accessed domain names. (Col 11 lines 10-20)

Gerszberg fails to disclose receiving, in the gateway, a response to the domain

name system query from the network that includes the frequently accessed domain

name and a corresponding IP address; and storing the frequently accessed domain

name and the corresponding IP address in the cache. Huitema discloses receiving, in

the gateway, a response to the domain name system query from the network that

includes the frequently accessed domain name and a corresponding IP address; and

storing the frequently accessed domain name and the corresponding IP address in the

cache. (Col 3 lines 44- Col 4 line 2) In reference to KSR International Co. v. Teleflex

Inc., 550 U.S. -, 82 USPQ2d 1385 (2007), it would been obvious and yielded predictable

results for the FPM 32 to include a DNS to IP address mapping because it reduces the

latency time and to increase the efficiency in processing DN queries for connecting local

computers to remot computers. (Col 2 lines 22-24). This would fit in with Gerszberg as

the Gerszberg is attempting to minimize congestion of the communication network by

storing commonly used data closer to the user. (Gerszberg , Abstract)

As per claim 13, please see the discussion under claim 1 as similar logic applies.

As per claims 14 and 33, please see the discussion under claim 5 as similar logic applies.

As per claims 16 and 35, please see the discussion under claim 7 as similar logic applies.

As per claims 17 and 36, please see the discussion under claim 8 as similar logic applies.

As per claims 18 and 37, please see the discussion under claim 9 as similar logic applies.

As per claims 19 and 38, Gerszberg / Huitema discloses the method of claim 10. Gerszberg fails to disclose wherein step (c) comprises generating a domain name system query in accordance with an iterative resolution protocol. Huitema discloses wherein step (c) comprises generating a domain name system query in accordance with an iterative resolution protocol (Col 3 lines 27-43, protocol being DNS) In reference to KSR International Co. v. Teleflex Inc., 550 U.S. -, 82 USPQ2d 1385 (2007), it would been obvious and yielded predictable results to generating a domain name system

query in accordance with an iterative resolution protocol in order to enable
communication across the internet.

As per claim 20, Gerszberg/ Huitema disclose the method of claim 10. Gerszberg
fails to disclose further comprising: (g) receiving, in the network gateway, a domain
name system query from the customer premises equipment; and (h) resolving, in the
network gateway, the domain name system query from the customer premises
equipment using a domain name and corresponding IP address stored in the cache.
Huitema discloses further comprising: (g) receiving, in the network gateway, a domain
name system query from the customer premises equipment; and (h) resolving, in the
network gateway, the domain name system query from the customer premises
equipment using a domain name and corresponding IP address stored in the cache.
(Col 5 lines 25-35) In reference to KSR International Co. v. Teleflex Inc., 550 U.S. -, 82
USPQ2d 1385 (2007), it would been obvious and yielded predictable results to receive,
in the network gateway, a domain name system query from the customer premises
equipment; and (h) resolve, in the network gateway, the domain name system query
from the customer premises equipment using a domain name and corresponding IP
address stored in the cache because it reduces the latency time and to increase the
efficiency in processing DN queries for connecting local computers to remot computers.
(Col 2 lines 22-24). This would fit in with Gerszberg as the Gerszberg is attempting to
minimize congestion of the communication network by storing commonly used data
closer to the user. (Gerszberg , Abstract)

As per claim 31, please see the discussion under claim 23 as similar logic applies.

As per claim 32, please see the discussion under claim 24 as similar logic applies.

As per claims 46, 47, and 49, please see the discussion under claim 45 as similar logic applies.

Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gerszberg (US 6,385,693) in view of Majewski et al. – hereinafter Majewski (US 2002/0126812).

As per claim 2, Gerszberg disclose the method of claim 1, wherein the customer premises equipment runs an operating system. (Col 9 lines 19-39) Gerszberg fails to disclose wherein steps (a) and (b) are initiated during start-up of the operating system. Majewski discloses wherein steps (a) and (b) are initiated during start-up of the operating system. ([0094]) At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to disclose initiate searching and providing the frequently accessed domain name by the operating system in the disclosure of Gerszberg. The motivation for doing do would have been to transfer large amounts of

data from a number of mainframe systems to a central database in a timely manner with

minimal human involvement. ([0017]).

As per claim 3, Gerszberg disclose the method of claim 1, wherein the customer

premises equipment runs an operating system. (Col 9 lines 19-39) Gerszberg fails to

disclose wherein steps (a) and (b) are initiated periodically by the operating system.

Majewski discloses wherein steps (a) and (b) are initiated periodically by the operating

system. ([0094], scheduler) At the time the invention was made, it would have been

obvious to a person of ordinary skill in the art to disclose wherein steps (a) and (b) are

initiated periodically by the operating system in the disclosure of Gerszberg. The

motivation for doing do would have been to transfer large amounts of data from a

number of mainframe systems to a central database in a timely manner with minimal

human involvement. ([0017]).

Claims 6, 26 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Gerszberg (US 6,385,693) in view of Evgey (US 2002/0120783).

As per claims 6, 26 and 41, Gerszberg discloses the method of claim 1.

Gerszberg fails to disclose wherein step (a) comprises searching application data files

associated with an electronic mail application. Evgey discloses wherein step (a)

comprises searching application data files associated with an electronic mail

application. ([0035]) At the time the invention was made, it would have been obvious

to a person of ordinary skill in the art to search files associated with an electronic email

application in the disclosure of Huitema. The motivation for doing do would have been

to become a depository and a source for other recipients. ([0035])

Claims 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Gerszberg (US 6,385,693) / Huitema (US 6,016,512) in view of Majewski et al. –

hereinafter Majewski (US 2002/0126812).

As per claims 11 and 12, please see the discussion under claims 2 and 3,

respectively, as similar logic applies.

Claims 15 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Gerszberg (US 6,385,693) / Huitema (US 6,016,512) in view of Evgey (US

2002/0120783).

As per claims 15 and 34, please see the discussion under claim 6 as similar logic

applies.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Chirag R Patel whose telephone number is (571)272-

7966. The examiner can normally be reached on Monday to Friday from 7:30AM to

4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Rupal Dharia, can be reached on (571) 272-3880. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from

the Patent Application Information Retrieval (PAIR) system. Status information

for published applications may be obtained from either Private PAIR or Public

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C.P. *C.P.*